

FIRST REGULAR SESSION

HOUSE BILL NO. 348

97TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE NETH.

0476L.02I

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 162.481 and 162.492, RSMo, and to enact in lieu thereof two new sections relating to elections of school directors.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 162.481 and 162.492, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 162.481 and 162.492, to read as follows:

162.481. 1. Except as otherwise provided in this section, all elections of school directors in urban districts shall be held biennially at the same times and places as municipal elections.

2. In any urban district which includes all or the major part of a city which first obtained a population of more than seventy-five thousand inhabitants by reason of the 1960 federal decennial census, elections of directors shall be held on municipal election days of even-numbered years. The directors of the prior district shall continue as directors of the urban district until their successors are elected as herein provided. On the first Tuesday in April, 1964, four directors shall be elected, two for terms of two years to succeed the two directors of the prior district who were elected in 1960 and two for terms of six years to succeed the two directors of the prior district who were elected in 1961. The successors of these directors shall be elected for terms of six years. On the first Tuesday in April, 1968, two directors shall be elected for terms to commence on November 5, 1968, and to terminate on the first Tuesday in April, 1974, when their successors shall be elected for terms of six years. No director shall serve more than two consecutive six-year terms after October 13, 1963.

3. Except as otherwise provided in subsection 4 of this section, hereafter when a seven-director district becomes an urban district, the directors of the prior seven-director district

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17 shall continue as directors of the urban district until the expiration of the terms for which they
18 were elected and until their successors are elected as provided in this subsection.
19 The first biennial school election for directors shall be held in the urban district at the time
20 provided in subsection 1 which is on the date of or subsequent to the expiration of the terms of
21 the directors of the prior district which are first to expire, and directors shall be elected to
22 succeed the directors of the prior district whose terms have expired. If the terms of two directors
23 only have expired, the directors elected at the first biennial school election in the urban district
24 shall be elected for terms of six years. If the terms of four directors have expired, two directors
25 shall be elected for terms of six years and two shall be elected for terms of four years. At the
26 next succeeding biennial election held in the urban district, successors for the remaining directors
27 of the prior seven-director district shall be elected. If only two directors are to be elected they
28 shall be elected for terms of six years each. If four directors are to be elected, two shall be
29 elected for terms of six years and two shall be elected for terms of two years. After seven
30 directors of the urban district have been elected under this subsection, their successors shall be
31 elected for terms of six years.

32 4. In any school district in any city with a population of one hundred thousand or more
33 inhabitants which is located within a county of the first classification that adjoins no other county
34 of the first classification, or any school district which becomes an urban school district by reason
35 of the 2000 federal decennial census, elections shall be held annually at the same times and
36 places as general municipal elections for all years where one or more terms expire, and the terms
37 shall be for three years and until their successors are duly elected and qualified for all directors
38 elected on and after August 28, 1998.

39 **5. Beginning in 2014, elections for the board of directors of an urban district**
40 **containing the greater part of a home rule city of at least four hundred thousand**
41 **inhabitants and located in more than one county shall be held biennially on the primary**
42 **election day in even-numbered years, and members of the board shall take office on August**
43 **twenty-eighth, notwithstanding the provisions of chapter 115.**

162.492. 1. **Except as otherwise provided in this section,** in all urban districts
2 containing the greater part of the population of a city which has more than [three hundred
3 thousand inhabitants] **four hundred thousand inhabitants and is located in more than one**
4 **county** the terms of the members of the board of directors in office [in 1967] shall continue until
5 the end of the respective terms to which each of them has been elected to office and in each case
6 [thereafter] until the next school election be held and until their successors, then elected, are duly
7 qualified as provided in this section.

8 2. In each urban district designated in subsection 1, the election authority of the city in
9 which the greater portion of the school district lies, and of the county if the district includes

10 territory not within the city limits, shall serve ex officio as a redistricting commission. The
11 commission shall on or before November 1, 1969, divide the school district into six subdistricts,
12 all subdistricts being of compact and contiguous territory and as nearly equal in the number of
13 inhabitants as practicable and thereafter the board shall redistrict the district into subdivisions
14 as soon as practicable after each United States decennial census. In establishing the subdistricts
15 each member shall have one vote and a majority vote of the total membership of the commission
16 is required to make effective any action of the commission.

17 3. School elections for the election of directors **under subsection 1 of this section** shall
18 be held on [municipal] **the primary** election days [in each even-numbered year] , **beginning in**
19 **2014**. [At the election in 1970, one member of the board of directors shall be elected by the
20 voters of each subdistrict. The seven candidates, one from each of the subdistricts, who receive
21 a plurality of the votes cast by the voters of that subdistrict shall be elected and the at-large
22 candidate receiving a plurality of the at-large votes shall be elected.] **Beginning with the**
23 **election of 2014, there shall be seven members of the board; six shall reside in and be**
24 **designated for election according to subdistricts as provided in subsection 2 of this section**
25 **but shall be elected by the voters of the entire district; one shall reside anywhere in the**
26 **district and shall be elected by the entire district.** In addition to other qualifications
27 prescribed by law, each member [elected from a subdistrict must] **who runs for a subdistrict**
28 **position shall** be a resident of the subdistrict [from which he is elected] **for which he or she has**
29 **declared candidacy.** The subdistricts shall be numbered from one to six [and the directors
30 elected from subdistricts one, three and five shall hold office for terms of two years and until
31 their successors are elected and qualified, and the directors elected from subdistricts two, four
32 and six shall hold office for terms of four years and until their successors are elected and
33 qualified]. Every two years thereafter a member of the board of directors shall be elected for a
34 term of four years and until his **or her** successor is elected and qualified from each of the three
35 subdistricts having a member on the board of directors whose term expires in that year. [Those
36 members of the board of directors who were in office in 1967 shall, when their terms of office
37 expire, be succeeded by the members of the board of directors elected from subdistricts. In
38 addition to the directors elected by the voters of each subdistrict, additional directors shall be
39 elected at large by the voters of the entire school district as follows: in 1970 one director at large
40 shall be elected for a two-year term. In 1972 one director at large shall be elected for a four-year
41 term. In 1974 two at-large directors shall be elected for a four-year term and thereafter in
42 alternative elections one director shall be elected for a four-year term and then two directors shall
43 be elected for a four-year term, so that from and after the 1970 election the board of directors not
44 including those members who were in office in 1967 shall consist of seven members until the
45 1974 election and thereafter the board shall consist of nine members.] In those years in which

46 one at-large director is to be elected each voter may vote for one candidate and the candidate
47 receiving a plurality of votes cast shall be elected. [In those years in which two at-large directors
48 are to be elected each voter may vote for two candidates and the two receiving the largest number
49 of votes cast shall be elected.]

50 4. [The six candidates, one from each of the subdistricts, who receive a plurality of the
51 votes cast by the voters of that subdistrict and the at-large candidates receiving a plurality of the
52 at-large votes shall be elected.] The name of no candidate for nomination shall be printed on the
53 ballot unless the candidate has at least sixty days prior to the election filed a declaration of
54 candidacy with the secretary of the board of directors containing the signatures of at least two
55 hundred fifty registered voters who are residents of the subdistrict within which the candidate
56 for nomination to a subdistrict office resides, and in case of at-large candidates the signatures of
57 at least five hundred registered voters. The election authority shall determine the validity of all
58 signatures on declarations of candidacy.

59 5. In any election [either for at-large candidates or candidates elected by the voters of
60 subdistricts,] if there are more than two candidates, a majority of the votes are not required to
61 elect but the candidate having a plurality of the votes [if there is only one office to be filled and
62 the candidates having the highest number of votes, if more than one office is to be filled,] shall
63 be elected.

64 6. The names of all candidates shall appear upon the ballot without party designation and
65 in the order of the priority of the times of filing their petitions of nomination. No candidate may
66 file both at large and from a subdistrict [and] . The names of all candidates shall appear only
67 once on the ballot[, nor may any candidate file more than one declaration of candidacy]. All
68 declarations shall designate the candidate's residence and whether the candidate is filing at large
69 or from a subdistrict and the numerical designation of the subdistrict [or at-large area].

70 7. The provisions of all sections relating to seven-director school districts shall also
71 apply to and govern urban districts in cities of more than three hundred thousand inhabitants, to
72 the extent applicable and not in conflict with the provisions of those sections specifically relating
73 to such urban districts.

74 8. Vacancies which occur on the school board between the dates of election shall be
75 filled by [special election if such vacancy happens more than six months prior to the time of
76 holding a general municipal election, as provided in section 115.121. The state board of
77 education shall order a special election to fill such a vacancy. A letter from the commissioner
78 of education, delivered by certified mail to the election authority or authorities that would
79 normally conduct an election for school board members shall be the authority for the election
80 authority or authorities to proceed with election procedures. If a vacancy occurs less than six
81 months prior to the time of holding a general municipal election, no special election shall occur

82 and the vacancy shall be filled at the next general municipal election.] **the appointment of a**
83 **qualified person by the mayor of a home rule city of at least four hundred thousand**
84 **inhabitants and located in more than one county if the vacancy occurs more than one**
85 **hundred five days prior to the time of holding a primary election.**

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